Senate File 2218 - Introduced

SENATE FILE 2218
BY COMMITTEE ON HUMAN
RESOURCES

(SUCCESSOR TO SF 2008)

A BILL FOR

- 1 An Act relating to the possession and administration of
- 2 emergency drugs by first responders and other persons in a
- 3 position to assist for purposes of treating drug overdose
- 4 victims and including contingent implementation provisions.
- 5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

- 1 Section 1. NEW SECTION. 135.190 Possession and
- 2 administration of opioid antagonists.
- For purposes of this section, unless the context
- 4 otherwise requires:
- 5 a. "Opioid antagonist" means the same as defined in section
- 6 147A.1.
- 7 b. "Opioid-related overdose" means the same as defined in
- 8 section 147A.1.
- 9 c. "Person in a position to assist" means a family member,
- 10 friend, caregiver, health care provider, employee of a
- 11 substance abuse treatment facility, or other person who may be
- 12 in a place to render aid to a person at risk of experiencing an
- 13 opioid-related overdose.
- 2. A person in a position to assist may possess and provide
- 15 or administer an opioid antagonist to an individual if the
- 16 person in a position to assist reasonably and in good faith
- 17 believes that such individual is experiencing an opioid-related
- 18 overdose.
- 19 3. A person in a position to assist who has acted reasonably
- 20 and in good faith shall not be liable for any injury arising
- 21 from the provision, administration, or assistance in the
- 22 administration of an opioid antagonist as provided in this
- 23 section.
- 24 Sec. 2. Section 147A.1, Code 2016, is amended by adding the
- 25 following new subsections:
- 26 NEW SUBSECTION. 6A. "First responder" means an emergency
- 27 medical care provider, a fire fighter, or a peace officer as
- 28 defined in section 801.4 who is trained and authorized to
- 29 administer an opioid antagonist.
- NEW SUBSECTION. 6B. "Licensed health care professional"
- 31 means the same as defined in section 280.16.
- 32 NEW SUBSECTION. 6C. "Opioid antagonist" means a drug that
- 33 binds to opioid receptors and blocks or inhibits the effects of
- 34 opioids acting on those receptors, including but not limited
- 35 to naloxone hydrochloride or any other similarly acting drug

- 1 approved by the United States food and drug administration.
- 2 NEW SUBSECTION. 6D. "Opioid-related overdose" means
- 3 a condition affecting a person which may include extreme
- 4 physical illness, a decreased level of consciousness,
- 5 respiratory depression, a coma, or the ceasing of respiratory
- 6 or circulatory function resulting from the consumption or use
- 7 of an opioid, or another substance with which an opioid was
- 8 combined.
- 9 Sec. 3. <u>NEW SECTION</u>. **147A.18 Possession and administration**
- 10 of an opioid antagonist immunity.
- 11 l. Notwithstanding any other provision of law to the
- 12 contrary, a licensed health care professional may prescribe
- 13 an opioid antagonist in the name of a service program, law
- 14 enforcement agency, or fire department to be maintained for use
- 15 as provided in this section.
- 16 2. A service program, law enforcement agency, or fire
- 17 department may obtain a prescription for and maintain a supply
- 18 of opioid antagonists. A service program, law enforcement
- 19 agency, or fire department that obtains such a prescription
- 20 shall replace an opioid antagonist upon its use or expiration.
- 21 3. A first responder employed by a service program, law
- 22 enforcement agency, or fire department that maintains a supply
- 23 of opioid antagonists pursuant to this section may possess
- 24 and provide or administer such an opioid antagonist to an
- 25 individual if the first responder reasonably and in good faith
- 26 believes that such individual is experiencing an opioid-related
- 27 overdose.
- 28 4. The following persons, provided they have acted
- 29 reasonably and in good faith, shall not be liable for any
- 30 injury arising from the provision, administration, or
- 31 assistance in the administration of an opioid antagonist as
- 32 provided in this section:
- 33 a. A first responder who provides, administers, or assists
- 34 in the administration of an opioid antagonist to an individual
- 35 as provided in this section.

- b. A service program, law enforcement agency, or fire
 department.
- 3 c. The prescriber of the opioid antagonist.
- 4 5. The department shall adopt rules pursuant to chapter
- 5 17A to implement and administer this section, including but
- 6 not limited to standards and procedures for the prescription,
- 7 distribution, storage, replacement, and administration of
- 8 opioid antagonists, and for the training and authorization
- 9 to be required for first responders to administer an opioid
- 10 antagonist.
- 11 Sec. 4. CONTINGENT IMPLEMENTATION. Implementation of the
- 12 section of this Act enacting section 147A.18 is contingent upon
- 13 the availability of funding.
- 14 EXPLANATION
- The inclusion of this explanation does not constitute agreement with the explanation's substance by the members of the general assembly.
- 17 This bill authorizes emergency medical service programs,
- 18 law enforcement agencies, and fire departments to obtain a
- 19 supply of opioid antagonists, and first responders and other
- 20 persons in a position to assist to possess opioid antagonists
- 21 for administration to drug overdose victims, and includes
- 22 contingent implementation provisions.
- 23 The bill defines "first responder" as an emergency medical
- 24 care provider, a fire fighter, or a peace officer as defined in
- 25 Code section 801.4 who is trained and authorized to administer
- 26 an opioid antagonist. The bill defines "licensed health care
- 27 professional" as a person licensed under Code chapter 148 to
- 28 practice medicine and surgery or osteopathic medicine and
- 29 surgery, an advanced registered nurse practitioner licensed
- 30 under Code chapter 152 or 152E and registered with the board of
- 31 nursing, or a physician assistant licensed to practice under
- 32 the supervision of a physician as authorized in Code chapters
- 33 147 and 148C. "Opioid antagonist" is defined as a drug that
- 34 binds to opioid receptors and blocks or inhibits the effects of
- 35 opioids acting on those receptors, including but not limited

- 1 to naloxone hydrochloride or any other similarly acting drug
- 2 approved by the United States food and drug administration.
- 3 The bill defines "opioid-related overdose" as a condition
- 4 affecting a person which may include extreme physical illness,
- 5 a decreased level of consciousness, respiratory depression, a
- 6 coma, or the ceasing of respiratory or circulatory function
- 7 resulting from the consumption or use of an opioid, or another
- 8 substance with which an opioid was combined. The bill defines
- 9 "person in a position to assist" as a family member, friend,
- 10 caregiver, health care provider, employee of a substance
- 11 abuse treatment facility, or other person who may be in a
- 12 place to render aid to a person at risk of experiencing an
- 13 opioid-related overdose.
- 14 The bill enacts new Code section 135.190, which provides
- 15 that a person in a position to assist may possess and provide
- 16 or administer an opioid antagonist to an individual if the
- 17 person in a position to assist reasonably and in good faith
- 18 believes that such individual is experiencing an opioid-related
- 19 overdose. New Code section 135.90 also provides that a person
- 20 in a position to assist who acted reasonably and in good faith
- 21 shall not be liable for any injury arising from the provision,
- 22 administration, or assistance in the administration of an
- 23 opioid antagonist.
- 24 The bill enacts new Code section 147A.18, which provides
- 25 that a licensed health care professional may prescribe an
- 26 opioid antagonist in the name of a service program, law
- 27 enforcement agency, or fire department. The service program,
- 28 law enforcement agency, or fire department may maintain a
- 29 supply of opioid antagonists. From that supply, a first
- 30 responder may possess and administer an opioid antagonist to
- 31 an individual, so long as the first responder reasonably and
- 32 in good faith believes that such individual is experiencing an
- 33 opioid-related overdose.
- New Code section 147A.18 also provides immunity from legal
- 35 liability to any first responder, emergency medical service

jh/nh

- 1 program, law enforcement agency, fire department, and the
- 2 person who prescribed the opioid antagonist from any injury
- 3 arising from the provision or administration of an opioid
- 4 antagonist, so long as such person acted reasonably and in good
- 5 faith.
- 6 New Code section 147A.18 also directs the department of
- 7 public health to adopt rules to implement and administer the
- 8 bill, including but not limited to standards and procedures
- 9 for the prescription, distribution, storage, replacement, and
- 10 administration of opioid antagonists, and for the training and
- 11 authorization to be required for first responders to administer
- 12 an opioid antagonist.
- 13 The bill provides that the implementation of new Code
- 14 section 147A.18 is contingent upon the availability of funding.